

REMARKS/ARGUMENTS

This Amendment and Response is promptly filed to place the above-referenced case in condition for immediate allowance.

The status of the claims is as follows:

Cancelled: None;

Amended: 1 and 15;

Added: None; and

Currently outstanding: 1-18.

No new matter has been added to the application. Note should be taken that the first and second polarities of claim 1, for example, a distinct and separate from the first and second polarity configurations of claim 11, for example.

From the outstanding Office action: all of the Claims were rejected based on the Moronaga et al., Masuda, Baermann, and/or Ardizzone references under 35 U.S.C. § 103.

In light of the Examiner's rejections, and in order to expedite examination, and while reserving the right to pursue broader protection via a separate patent application, Applicants have amended certain claims to set forth a specific magnetic configuration not found in the validly-cited references. Such claim limitations added by amendment are similar to limitations found in the previously-issued U.S. Patent No. 6,322,491 issued to Bove et al. on November 27, 2001 for a Flexible Magnetic Insole.

The Examiner should note that the cited reference of U.S. Patent No. 5,514,072 issued to Ardizzone on May 7, 1996 for a Flexible Magnetic Pad With Multi-Directional Constantly Alternating Polarity Zones is a parent application to the present one. As such, it cannot be cited against the present application under 35 U.S.C. § 120.

None of the valid references specifically teach the specific embodiments set forth in the claims as now amended and reconsideration of the claims is respectfully requested. Applicants believe that the subject matter of the claims does not fall within any disclosure cited by the Examiner, either taken separately or combined in any reasonable way.

In view of the above, the Examiner is respectfully requested to reconsider his position in view of the remarks made herein and the structural distinctions now set forth. The Examiner's rejections of the outstanding claims are believed to no longer apply. It is now believed that this application has been placed in condition for allowance, and such action is respectfully requested. Prompt and favorable action on the merits is earnestly solicited. Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Any statements made herein with respect to the disclosures in the cited references represent the present opinions of the undersigned attorney. In the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective references providing the basis for a contrary view.

If the Examiner believes that a telephone or other conference would be of value in expediting the prosecution of the present application, enabling an Examiner's amendment or other meaningful discussion of the case, Applicants invite the Examiner to contact Applicants' representative at the number listed below.

With the above-referenced changes, it is believed that the application is in a condition for allowance; and Applicants respectfully request the Examiner to pass the application on to

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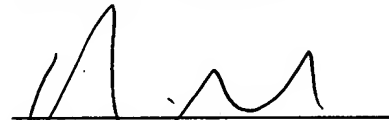
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allowance. It is not believed that any additional fees are due; however, in the event any additional fees are due, the Examiner is authorized to charge Applicants' Attorney's Deposit Account No. 03-2030.

Respectfully submitted,

CISLO & THOMAS LLP

Date: June ^h17, 2004


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Enclosures

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PATENT
Appl. No. 10/004,143
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Reply to Office action of 03/17/2004
01-10029



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